

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

7 CHARLES NEWTON,  
8 Plaintiff,  
9 v.  
10 STATE OF NEVADA et al.,  
11 Defendants.  
12

2:16-cv-01995-JCM-GWF

## ORDER

## I. DISCUSSION

14 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, has  
15 submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed a motion to use  
16 a completed financial certificate from another case. (ECF No. 1, 1-2). The Court denies  
17 Plaintiff's motion to use a financial certificate from another case. (ECF No. 1).

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a completed application to proceed *in forma pauperis*, a properly executed financial certificate, or an inmate account statement. (See ECF No. 1). Plaintiff must submit a completed application to proceed *in forma pauperis* for each of his cases.<sup>1</sup> The Court will retain Plaintiff's civil rights complaint (ECF No. 1-2), but will not file it until the matter of the payment of the filing fee is resolved.

<sup>1</sup> The Court acknowledges that, in Plaintiff's other cases, Plaintiff has been claiming that the NDOC has not or will not provide him with a financial certificate or an inmate account statement. However, the Court notes that in many of those cases, Plaintiff has now filed a completed financial certificate and inmate account statement. To ensure Plaintiff sufficient time to acquire the necessary documents from the NDOC, the Court will grant Plaintiff forty-five (45) days to file a completed application to proceed *in forma pauperis*.

## **II. CONCLUSION**

For the foregoing reasons, IT IS ORDERED that Plaintiff's motion to use completed financial certificate (ECF No. 1) is DENIED.

IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

7 IT IS FURTHER ORDERED that within **forty-five (45) days** from the date of this order,  
8 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the  
9 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or  
10 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50  
11 administrative fee).

IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order, dismissal of this action may result.

14 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF  
15 No. 1-2), but shall not file it at this time.

17 DATED: This 31st day of August, 2016.

*George Foley Jr.*  
United States Magistrate Judge